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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14241/2025 and CM APPL. 58412/2025, CM APPL. 62986/2025, CM APPL. 76270/2025, CM APPL. 4626/2026
SWATI SAISTAPetitioner

Through: Petitioner in person (through VC).
versus

THE GOVERNMENT OF NCT OF DELHI
& ANR.Respondents

Through: Ms. Nikita Bhutani, Advocate for
GNCTD.
Mr. Ajit Kumar, Mr. Shivam Singh,
Mr. Raushan Kumar and Mr. Ravi
Kumar, Advocates for R-2.
Ms. Pratima N Lakra, CGSC with Mr.
Shailendra Kumar Mishra and Mr.
Chanakya Kene, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **27.01.2026**

1. The instant petition is for the following reliefs:

I. Issue a writ of certiorari quashing/setting aside the coercive directions in the impugned orders dated 26.04.2025 and 19.07.2025 passed by the Ld. Trial Court (Mahila Court-02, Dwarka Courts, Delhi), in CC No. 1582/2019;

II. Issue a writ of mandamus directing the Ld. Trial Court (Mahila Court-02, Dwarka Courts, Delhi) to hear and decide all pending applications filed by the Petitioner within a period not exceeding three months;

III. Direct, in line with the principle affirmed in H.P. Komala v. N. Ravikumar [NC: 2024:KHC:30919], that no further steps in the Petitioner's evidence — including compelling her cross-examination — be taken until full compliance with the subsisting interim maintenance orders, so as to prevent abuse of process and to uphold the protective purpose of the DV Act;

IV. Direct the Protection Officer concerned, under the supervision of



the Ld. Trial Court, to discharge their duties under Section 9(1)(h) of the DV Act to ensure compliance with the maintenance orders and to file a compliance report before the Ld. Trial Court;

V. Permit the Petitioner to appear and participate in the proceedings through Video Conferencing until the arrears of maintenance are cleared;

VI. Direct the Government of NCT of Delhi (Respondent No. 1) to ensure compliance with its duties under Section 11 of the DV Act, including the periodic sensitisation of judicial officers, and to file a report on the measures taken in the format annexed as Annexure – A 39; and

VII. Pass any such other or further order(s) as this Hon'ble Court may deem fit and proper in the interests of justice.

2. However, the primary grievance is against the order dated 26.04.2025 and 19.07.2025, passed by the Judicial Magistrate, First Class, Mahila Court-02, Dwarka Courts, New Delhi (*hereinafter 'Mahila Court'*).

3. The facts would indicate that the petitioner is the wife of respondent no. 2 and at the instance of the petitioner, proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 (*hereinafter 'DV Act'*) have been initiated. The proceedings are stated to be pending since 2019 and the petitioner has also prayed for directions under Section 23 of the DV Act.

4. There seems to be multiple applications filed by the petitioner before the Mahila Court as well as before this Court. She also asserts that the order of interim maintenance which was passed is not being fully complied with.

5. A perusal of the order dated 26.04.2025, indicates that instead of leading the evidence, the petitioner has been moving various applications before the Superior Courts. The Mahila Court found that the petitioner was receiving sum of Rs.15,000/- in compliance of order dated 18.11.2023. Additionally, it was also found that the petitioner was extended multiple opportunities, however, she, on one pretext or the other, was avoiding



leading evidence. In the interest of justice, the Mahila Court also granted last opportunity to the petitioner to lead evidence. The relevant extract of the aforesaid order read as under:

“This is again emphasized that the complainant despite giving multiple opportunities till date had not lead her evidence and sought action against the respondent for non payment of the interim maintenance in terms of order dt.01.10.2021. It is pertinent to mention here that the order dt.01.10.2021 has been assailed by both the parties before the Hon’ble Delhi High Court and the Appeal is still pending before the Hon’ble Delhi High Court. In view of the above observation and the admitted fact that there is no stay in the present proceedings before this court, this court is inclined to the arguments raised by the Ld. Counsel for respondent that the present matter has been at the stage of CE for a long time and the complainant on one pretext or the other has been avoiding leading the evidence which resulted in delay of the present proceedings. In view of the above observations, the complainant is given one last opportunity to lead her evidence before this court on the NDOH, failing which this court shall consider that she is not interested in pursuing the present case and the present case shall be dismissed for non prosecution. Complainant is further directed to remain present in person before this court a/w all her original documents on the NDOH without fail.”

6. Almost similar observations are made in order dated 19.07.2025. The Mahila Court was to dismiss the complaint, however, again in the interest of justice, hearing was deferred beyond 19.07.2025.

7. On perusal of both the orders and the other facts and circumstances, this Court does not find it appropriate to interfere into the same and there is no justification to keep this petition pending. The petitioner having taken recourse to the provisions of the DV Act can not avoid the proceedings and has to necessarily cooperate with the concerned Court. The Court is not obliged to keep on adjourning the matter without there being a reasonable cause. The petitioner must cooperate with the Mahila Court.

8. Accordingly, finding no ground on interfere, the petition stands



dismissed.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 27, 2026/SH